

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF October 13, 2010
9:30 a.m.

Members Present: Robert White, Chairperson; John McClurkin, Vice-Chair; Richard Floyd, Secretary; Kai Hagen, Commissioner Liaison; Robert Lawrence, Audrey Wolfe and Catherine Forrence

Staff Present: Gary Hessong, Director, DPDR; Kathy Mitchell, Assistant County Attorney; Betsy Smith, Deputy Director, DPDR; Ron Burns, Traffic Engineer; Bryon Mitchell, DOLS; Eric Soter, Director, Planning; Michael Wilkins, Principal Planner; Stephen O'Philips, Principal Planner; Tolson Desa, Principal Planner and Linda Williamson, Development Review Technician

1. **MINUTES:**

N/A

2. **PLANNING COMMISSION COMMENTS:**

N/A

3. **AGENCY COMMENTS/AGENDA BRIEFING:**

Eric Soter, Director, Planning- Reminded PC members the Public Meeting October 20, 2010 will be a 6:00pm start time, the items on the agenda are Planned Development Districts and PATH for review and recommendation.

4. **AGRICULTURAL CONCEPT PLAN:**

- a) [Demiray, LLLP Property](#)- Requesting approval of a 7 Lot Agricultural Cluster Concept Plan. Located on the West Side of Petersville Road (MD Rte 79), north of the corporate limits of Rosemont. Zoned: Agriculture (AG), Brunswick Planning Region. Tax Map 92 / Parcel 15
File S-1149, AP #11034, Michael Wilkins

Staff Findings/Recommendations:

Findings:

Staff finds that the proposed Ag Cluster plan meets and/or will meet all subdivision and zoning requirements if the conditions of approval are satisfied. Staff has no objection to conditional approval of the concept plan.

Recommendations:

Should the FcPc approve this Application (S-1149, AP11034), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. APFO testing is required at the time a preliminary plan for the 6th lot and 7th lot is submitted.
3. A revised forest conservation plan must be submitted prior to lot recordation. FRO mitigation must be provided prior to lot recordation.

Staff Presentation:

Michael Wilkins, Development Review Principal Planner

Applicant Presentation:

Mr. Lingg of Lingg Property Consulting, representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Wolfe made motion for conditional approval of [Demiray, LLLP Property](#) in accordance with the Staff's findings and recommendations and with the following conditions:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
 2. APFO testing is required at the time a preliminary plan for the 6th lot and 7th lot is submitted.
 3. A revised forest conservation plan must be submitted prior to lot recordation. FRO mitigation must be provided prior to lot recordation.
- 2nd by Mr. Lawrence

Yea 5 Nay 1(Floyd) Absent 0 Abstained 1(Forrence)

5. SITE PLAN

- a) [Zimmerman Pool](#) - Requesting approval to expand existing facilities and also requesting landscaping & parking lot modifications. Located on a .49-acre parcel, west side MD 355, ¼ mile north of Grove Road. Zoned General Commercial (GC). Tax Map 77 / Parcel 70. File SP 05-22, A/P#'s 4144 (SP), 4116 (APFO) & 8042 (FRO), Stephen O'Philips

Staff Findings/Recommendations:

Findings:

The Applicant is requesting approval of Site Plan (AP # 4114) for a building addition (2,176 sq. ft.) and landscaping and parking lot modifications. The Applicant is also requesting FRO and APFO approval, in addition to the following modifications/waiver requests:

- a) two landscape modifications;
- b) one parking lot connection waiver; and
- c) one parking dimension modification.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) A three-year APFO approval may be granted to this project. No LOU is required.
- 3) There are no hydrological components on this site. FRO forest requirements are being met with fee-in-lieu or banking credits.
- 4) With regard to parking:
 - a) The parking circulation pattern is remaining essentially the same, with adequate sight distance.
 - b) Handicapped requirements have been met.
 - c) Bicycle parking requirements have been met with the placement of one bicycle racks at the south end of the front entrance.
- 5) The two landscape modification requests, one parking lot connection waiver, and one parking dimension modification all have merit based on limitations caused by existing site conditions and site usage, and the fact that traffic safety is not impaired.
- 6) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

Recommendations:

Should the FcPc choose to approve this Site Plan application (AP # 4114), the FcPc should also cite the following additional approvals:

- Two landscape modifications [§ 1-19-6.400 (D) (1) and (2)];
- Parking Dimension modification [§ 1-19-6.220 (B) (1)];
- Waiver of requirement to connect to adjoining parking lot [§ 1-19-6.220 (F)];
- APFO approval (AP # 4116); and
- FRO approval (AP # 8042)

The Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Amend General Note #3 and modification notes on Sheet 1.
- 2) Comply with Agency comments as this project moves through the development process.

Staff Presentation:

Stephen O'Philips, Development Review Principal Planner

Ron Burns, Development Review Traffic Engineer, answered questions regarding traffic

Applicant Presentation:

Ms. Mayo of Harris, Smariga and Associates, representing the applicant presented the proposal.

Mr. Zimmerman answered questions from the Planning Commission

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Forrence made motion for conditional approval of [Zimmerman Pool](#) in accordance with the Staff's findings and recommendations.

2nd by Ms. Wolfe

Yea 6 Nay 1(Lawrence) Absent 0 Abstained 0

- b) [Goddard School](#) - Requesting approval to expand existing building with landscape additions to parking lot. Located on a 1.6-acre lot, southeast quadrant of Carriage Hill Drive and Caledonia Drive in the Villages of Urbana PUD. Tax Map 96/Parcel 249. File SP 00-03, A/P#'s 11096 (SP), Stephen O'Philips

Staff Findings/Recommendations:

Findings:

The Applicant is requesting approval of Site Plan (AP # 11096) for a building addition (1,813 sq. ft.) and landscaping and parking lot modifications.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) This project is exempt from APFO because there are five or fewer critical peak-hour trips generated.
- 3) There are no hydrological components on this site. FRO forest requirements were previously met with preservation of forest along stream system corridors.
- 4) With regard to parking:
 - d) The parking circulation pattern is remaining essentially the same, with adequate sight distance.
 - e) Handicapped requirements have been met with the construction of the parking lot in 2008.
 - f) Bicycle parking requirements have been met with the placement of one bicycle rack located to the west of the front entrance.
- 5) The two landscape and one parking lot modification requests have merit based on limitations caused by existing site conditions and site usage, and the fact that traffic safety is not impaired.
- 6) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

Recommendations:

Should the FcPc choose to approve this Site Plan application (AP # 11096), the FcPc should also cite the following additional approvals:

- Landscape modifications [§ 1-19-6.400 (D) (1) and (2)]; and
- Parking modification [§ 1-19-6.220 (A) (1) & (3)].

The Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Comply with Agency comments as this project moves through the development process.

Staff Presentation:

Stephen O'Philips, Development Review Principal Planner

Betsy Smith, Deputy Director, answered questions regarding the County's responsibilities on private stormwater management ponds

Ron Burns, Development Review Traffic Engineer, answered questions regarding traffic

Applicant Presentation:

Mr. Friis of Rodgers Consulting Inc., representing the applicant presented the proposal.

Mr. Jones answered questions from the Planning Commission

Public Comment:

N/A

Rebuttal:

Decision: Mr. Lawrence made motion for conditional approval of [*Goddard School*](#) -in accordance with the Staff's findings and recommendations, noting the title-block correction.
2nd by Ms. Forrence

Yea 7 Nay 0 Absent 0 Abstained 0

- c) [*T-Mobile Monopole at Woodville and Annapolis Roads*](#) - Requesting approval to erect new 120' communications tower with 5' extensions. Located on a 105-acre parcel, 1/10 mile north Woodville and Annapolis Roads intersection. Zoned Agriculture (AG). Tax Map 81 / Parcel 42. File SP 10-02, A/P#'s 10406 (SP), 10404 (APFO) & 11105 (FRO), Stephen O'Philips

Staff Findings/Recommendations:

Findings:

The Applicant is requesting approval of Site Plan (AP # 10406) for a communications tower monopole 120' in height with a 5' extension for lightning rod and antennae extensions, and ground facilities. The Applicant is also requesting FRO and APFO approval.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) This project is exempt from the APFO.
- 3) There are no hydrological components on this site. FRO forest requirements are being met with fee-in-lieu or banking credits.
- 4) This site generates no parking or loading requirements.
- 5) The Applicant must post an acceptable guarantee with the County on forms approved by the Zoning Administrator prior to permit release.
- 6) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

Recommendations

Should the FcPc choose to approve this Site Plan application (AP # 10406), the FcPc should also cite the following additional approval:

- FRO approval (AP # 11105)

The Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Post an acceptable guarantee with the County on forms approved by the Zoning Administrator prior to permit release.
- 2) Comply with Agency comments as this project moves through the development process.

Staff Presentation:

Stephen O'Philips, Development Review Principal Planner

Applicant Presentation:

Ms. Morrison and Mr. Jews of T-Mobile Northeast LLC, representing the applicant presented the proposal.

Mr. Cunningham of Compass Technology Services answered questions from the Planning Commission

Public Comment:

N/A

Rebuttal:

Decision: Ms. Forrence made motion for conditional approval of [*T-Mobile Monopole at Woodville and Annapolis Roads*](#) -in accordance with the Staff's findings and recommendations
2nd by Mr. Floyd

Yea 7 Nay 0 Absent 0 Abstained 0

- d) [*Urbana Athletic Facility*](#) – Required Non-Binding Site Plan Review by Planning Commission and requesting APFO approval. Applicant intends to use two, graded areas for multi-purpose ball fields for non-profit recreational use (9.2 acres), on a 110.5-acre parcel. Located northeast side Campus Drive. Zoned Agricultural (AG). Tax Map 96 / Parcel 49.
File SP 92-31, A/P#'s 8341 (SP), 8343 (APFO) & 8345 (FRO), Stephen O'Philips

Staff Findings/Recommendations:

Findings

This Site Plan is required to be reviewed by the FcPc, but the review is “non-binding”. The Applicant is required, however, to meet APFO requirements.

The Staff finds that:

- 1) The Applicant has met the condition of submitting the Site Plan for “non-binding review” before the Planning Commission as required by § 1-19-4.110. *EXEMPTION OF ESSENTIAL SERVICES. (C)* With this October 13th Agenda item.
- 2) With regard to APFO, based on the fact that there are no impacts to the principal use to be mitigated, this project is exempt from APFO.
- 3) FRO requirements for this parcel have already been met with the recordation of protective forest easements.
- 4) With regard to parking:
- 5) The current High School parking lot does not meet dimension standards for parking spaces; however there is no Code authority to require compliance.
- 6) Parking lot handicapped requirements have been met.
- 7) While the Applicant has listed three bicycle parking spaces on the Plan, the Plan does not show where they are located or if they are intended to be built. Therefore, the Applicant has not demonstrated that bicycle parking requirements have been met. However, there is no Code authority to require compliance.
- 8) Handicapped accessibility to the playing fields is not required because of its remote location.
- 9) The Applicant proposes no landscape improvements for the parking lot or for screening along common property lines. However, landscape screening of open space features is not normally required. There is no Code authority to require compliance.
- 10) The Applicant has met the signage allotment and location restrictions.

Recommendations:

The Staff makes no recommendation regarding the Site Plan application. The Staff recommends approval of the APFO test based on the fact that there are no impacts on facilities to the principal use.

Staff Presentation:

Stephen O'Philips, Development Review Principal Planner

Applicant Presentation:

Mr. Mellott, President of Southern Frederick County Youth Athletic Group, representing the Applicant presented the proposal.

Mr. Brennan of B & R Design Group, spoke on the concession being permanent verses temporary facility.

Public Comment:

N/A

Rebuttal:

1st Motion: Ms. Forrence made motion to approve APFO for [Urbana Athletic Facility](#) in accordance with the Staff's findings and recommendations.
2nd by Ms. Wolfe

Yea 7 Nay 0 Absent 0 Abstained 0

2nd Recommendation: Ms. Forrence made a second motion to recommend that the applicant work with Staff to add a handicapped space at the end of the emergency vehicle lane on the site.
2nd by Mr. Floyd

Yea 6 Nay 0 Absent 0 Abstained 1(Hagen)

6. AGENCY COMMENTS/AGENDA BRIEFING:

- a) [Subdivision Regulations Text Amendment \(ST10-01\)](#)-
The summary of issues raised during the October 6, 2010 public Hearing and recommended changes in response to those issues, was presented.

Recommendation: Ms. Forrence made motion to send the recommended changes (see attached memo) to the [Subdivision Regulations Text Amendment \(ST10-01\)](#)- to the BOCC for consideration at the October 19, 2010 public hearing.
2nd by Mr. Floyd

Yea 6 Nay 0 Absent 0 Abstained 1(McClurkin)

7. [LAND DEVELOPMENT MANUAL](#)

*** PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.**

Development Review Planning staff will be presenting an overview of and leading a discussion on the first chapter of the proposed Land Development Manual, on Landscaping and Lighting, in workshop format. Public input is encouraged.

Staff Presentation:

Tolson Desa, Development Review Principal Planner

Purpose and Intent

The Frederick County Land Development Design Manual (LDDM) is a technical manual for site development plans that is intended to be used to interpret performance standards and provide guidance when specific standards have not been established in the Frederick County Code. These guidelines and best practices are intended to supplement the Zoning Ordinance language and provide further direction to an applicant when designing or redesigning a site.

The LDDM incorporates existing policies and practices of the Division of Permitting and Development Review (DPDR) development review process. The LDDM cites the standards and current procedures and considerations as to how various zoning ordinance requirements might be applied. Throughout the LDDM, the zoning regulations defining what must be accomplished will be stated, along with a description of how to accomplish and implement them, and where they should be applied.

Land Development Design Manual categories will include, but not necessarily be limited to: Landscaping, Architecture, Lighting, Signage, Open Space, Pedestrian/Vehicular Circulation, Parking, Site Access, Amenities, Dedications/Reservations, Road and Driveway Sections, Storm Water Management, Sediment/Erosion Control, Materials, and Traditional & Neo-traditional Development.

This document will be a valuable tool for meeting the needs of applicants, including their planners and engineers, during the initial design stages. The LDDM will also aid the Staff in evaluating those designs from a common base line which should result in fewer reviews and a more efficient and timely review process.

Finally, the LDDM is designed to assure context sensitive designs rather than just applying “cookie cutter” standards, resulting in a better quality built environment and, ultimately, a better quality of life for those who inhabit or occupy the land uses.

Please note that for most chapters the LDDM presents information in the following format:

1. Each chapter begins with an Introduction Section and Application Section
2. The zoning text is shown in *italics*; and
3. Staff interpretations are provided under the zoning text within a text box.
4. “Additional Development Review Guidelines” are added after the end of the section in **bold print**.

Landscaping Guidelines

The beginning of the Landscaping Chapter highlights the requirements for a landscape plan submission and provides guidance on the preparation of a proper landscape plan as well as describes the installation and final inspection process.

The remaining sections of the Landscape Guidelines correspond with the code sections contained within Zoning Ordinance Section 1-19-6.400. As previously stated, the guidelines are intended to

provide the end user with the zoning ordinance language, staff interpretations, illustrations and additional development review guidelines all in one document.

The sections in the Landscaping Chapter include detailed guidelines and procedures for design and placement of street trees. These standards and guidelines ensure that the street trees will not interfere with installation of sidewalks or utilities but provide a safe and aesthetically pleasing streetscape. This chapter also provides buffer, screening and berming guidelines between compatible and non-compatible land uses. Parking lot landscaping standards are also discussed this section.

Lighting Guidelines

The Lighting Chapter establishes a standard plan preparation and submission process. The standardized submission process will help ensure a higher quality of lighting plans submitted which should reduce the plan review time. The Lighting Chapter contains details on maximum lighting pole heights for various uses, foot-candle limits for all lighting as well as site plan standards for lighting profiles.

The two chapters presented are in early draft form. Supporting illustrations will be added and the text will be fine tuned pursuant to Planning Commission, Staff and public comments.

Action

Staff requests Planning Commission comments, along with comments from the development community and their professional representatives. After assessing and incorporating these comments, staff will develop a final draft to be included as chapters in the LDDM.

Informational No Vote required

Meeting adjourned at 12:40 p.m.
Respectfully Submitted,

Robert White, Chairperson